

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

<b>In re:</b>	) ) )	<b>CASE NO. 08-03423-EE</b> <b>Chapter 11</b>
<b>WAREHOUSE 86, LLC</b>	) ) )	
<b>Debtor</b>	) ) )	

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**EMERGENCY MOTION OF DEBTOR FOR EXPEDITED HEARINGS ON  
CERTAIN FIRST DAY MOTIONS AND APPLICATIONS**

Warehouse 86, LLC, the Debtor and debtor-in-possession herein (the “Debtor”), by and through its undersigned attorneys, files its *Emergency Motion of Debtor for Expedited Hearings on certain “First Day Motions” and Applications* (the “Motion”). In support of the Motion, the Debtor states as follows:

1. On November 4, 2008 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (11 U.S.C. §§ 101 et seq., the “Bankruptcy Code”). No creditors’ committee has yet been appointed in this case by the United States Trustee. The Debtor remains in possession of its property and continues to operate its business as debtor-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.
2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. The relief requested in each of the motions and applications listed on Exhibit “A” hereto (collectively the “First Day Motions and Applications”) is necessary to avoid immediate and irreparable harm to the Debtor’s business and to its estate. It is essential to the continued operation of the Debtor’s business that the Debtor satisfies or maintains its current obligations

and that it continue its operations without interruption. Therefore, the Debtor urges the Court to address the First Day Motions and Applications on an expedited basis and as soon as practicable so that adverse consequences may be avoided and so the Debtor's chapter 11 case can proceed without delay.

4. Notice and Service of this Motion were provided to all parties listed in the certificate of service attached hereto, and the Debtor submits that such notice and service are sufficient under the circumstances.

WHEREFORE, the Debtor requests that the Court enter an Order setting expedited hearings on each of the First Day Motions and/or Applications listed on Exhibit "A" attached hereto and grant the Debtor such other relief as the Court deems just.

THIS the 4th day of November, 2008.

Respectfully submitted,

WAREHOUSE 86, LLC

By: s/ Stephen W. Rosenblatt

Stephen W. Rosenblatt (MS Bar No. 5676)  
John A. Crawford, Jr, (MS Bar No. 10346)  
Paul M. Ellis (MS Bar No. 102259)

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**CERTIFICATE OF SERVICE**

I do hereby certify that the foregoing pleading was filed electronically through the Court's ECF system and served electronically on all parties enlisted to receive service electronically and was separately served by e-mail on the following:

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SO CERTIFIED, this the 4<sup>th</sup> day of November, 2008.

/s/ Stephen W. Rosenblatt

**Exhibit "A"**

**First Day Motions and/or Applications for Warehouse 86, LLC**

1. *Emergency Motion of Debtor for Expedited Hearings on certain "First Day Motions" and Applications;*
2. *Motion to Approve Form of Final Hearing Notice and Establish Notice Parties for First Day Motions;*
3. *Emergency Motion for a Preliminary and Final Order (I) Authorizing Post-Petition Financing on a Secured and Super Priority Basis Pursuant to 11 U.S.C. §§ 105, 361, 363, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1) and 507(b), (II) Granting Other Related Relief and (III) Scheduling a Final Hearing Pursuant to Rule 4001;*
4. *Emergency Motion (1) Authorizing Interim Use of Cash Collateral; (2) Providing Adequate Protection under 11 U.S.C. § 361 and 363; and (3) Setting Date for Final Hearing on Use of Cash Collateral of Stuart M. Irby;*
5. *Motion for Authority to Pay Certain Pre-Petition Employee Obligations and Post-Petition Workers Compensation Premiums;*
6. *Emergency Motion for Authorization to Maintain Existing Bank Accounts and Cash Management System;*
7. *Motion for Authority to Pay Post-Petition Installments on Insurance Policies Necessary to Maintain Insurance Coverage;*
8. *Motion for Interim and Final Orders: (A) Prohibiting Utilities from Altering, Refusing or Discontinuing Services to, or Discriminating Against, the Debtor on Account of Pre-Petition Amounts Due; (B) Determining that the Utilities are Adequately Assured of Future Payment; (C) Establishing Procedures for Determining Requests for Additional Assurance; and (D) Permitting Utility Companies to Opt Out of the Procedures Established Herein;*
9. *Motion for Authority to Pay Collected Pre-Petition Sales and Use Taxes in the Ordinary Course; and*
10. *Application of Debtor to Employ Butler, Snow, O'Mara, Stevens & Cannada, PLLC as its Attorneys and Disclosure of Compensation.*